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SENATE

{ REPORT
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COLONIAL NATIONAL HISTORICAL PARK AMENDMENTS

APRIL 7 (legislative day, APRIL 5), 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 115]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 115) to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike section 1 in its entirety and insert the following:

SECTION 1. COLONIAL NATIONAL HISTORICAL PARK.

(a) **TRANSFER AND RIGHTS-OF-WAY.**—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) **REPAIR AND REHABILITATION OF SYSTEM.**—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed \$110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) FEES AND CHARGES.—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service's contribution authorized under subsection (b), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

PURPOSE OF THE MEASURE

The purpose of S. 115, as ordered reported, is to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park in Virginia.

BACKGROUND AND NEED

Colonial National Historical Park consists of Jamestown, site of the 1607 English colony, Yorktown, site of the British surrender that marked the end of the American Revolution, and the 23-mile long Colonial Parkway that links these two sites and Colonial Williamsburg. The Colonial Parkway, built in the 1930's, wends through the Virginia tidewater and provides a scenic route designed to enhance the visitors' experience and to highlight the natural surroundings the early colonists found.

In most areas of the Colonial Parkway, the National Park Service owns a 500-foot corridor, 250 feet from the centerline. In one area, the corridor is only 200 feet, which until recently has not threatened the parkway's integrity. The owner of the land wants to develop the land as 19 house sites which would abut the parkway and damage its visual integrity. The land in question was identified for acquisition in the park's General Management Plan, and although the owner has sought to sell the property to the park, development is now beginning.

In 1948 and 1956, Congress directed the National Park Service to design and construct two sewer systems, in Yorktown and to the Moore House, part of Colonial National Park. The 1948 law directed that a "fair and reasonable proportionate share of the cost of construction and of the annual costs incidental to its maintenance and operation" be charged to the private owners. The 1956 Departmental Views justified the action because of the increased needs and "extenuating circumstances" associated with the 350th anniversary celebration of the founding of Jamestown but stated "this Department is reluctant to become further involved in the operation and maintenance of public utilities in the Yorktown area." The National Park Service constructed and operated the two lines until 1986 when maintenance (and user fees) were transferred to York County. There are 36 private residences on the Moore House sewer line. York County estimates that rehabilitation of the line would cost \$203,000 and has passed a resolution that it would not accept the line without such rehabilitation.

LEGISLATIVE HISTORY

S. 115 was introduced by Senator Warner and Senator Robb on January 4, 1995. Companion legislation was introduced in the House of Representatives on January 11, 1995.

In the 103rd Congress, Senator Warner introduced a similar measure, S. 1278. A similar provision was included in H.R. 3252, a comprehensive bill on parks, rivers, trails and historic sites, which passed the House on October 17, 1993. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 3252 on May 19, 1994. At the business meeting on September 21, 1994, the Committee on Energy and Natural Resources ordered H.R. 3252 to be favorably reported. No further action was taken in the Senate.

At the business meeting on March 15, 1995, the Committee on Energy and Natural Resources ordered S. 115, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 15, 1995, by a majority vote of a quorum present, recommends that the Senate pass S. 115, if amended as described herein.

The rollcall vote on reporting the measure was 13 yeas, 3 nays, as follows:

YEAS	NAYS
Mr. Murkowski	Mr. Thomas
Mr. Hatfield ¹	Mr. Grams
Mr. Domenici	Mr. Burns
Mr. Craig	
Mr. Campbell	
Mr. Jeffords ¹	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman ¹	
Mr. Akaka	
Mr. Wellstone	

¹ Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 115, the Committee adopted an amendment to section 1. The amendment authorizes the Secretary of the Interior to transfer, without reimbursement, to York County, the portion of the sewage disposal system located within Colonial National Historical Park, together with such rights-of-way necessary to maintain and operate the system.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the Secretary of the Interior (the "Secretary") to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including

related improvements and structures, owned by the United States and located within the park, and such rights-of-way necessary to maintain and operate the system.

Subsection (b) authorizes the Secretary to enter into a cooperative agreement with York County under which the Secretary will pay no more than \$110,000 toward the costs of repair and rehabilitation of the sewage disposal system.

Subsection (c) provides for a reduction in, or elimination of, the amounts charged to the National Park Service for its sewage disposal by York County and requires National Park Service concurrence on plans to enlarge or alter the sewage disposal system.

Section 2 authorizes the Secretary to include within the boundaries of the park and to acquire by donated or appropriated funds, donation, or exchange, the lands or interests in lands described in lots 30-48, the portion of lot 49 that is 200 feet in width from the park's existing boundary, a 3.2-acre archaeological site as shown on National Park Service Drawing 333.80031, and all or part of lot 11 of the Neck O Land Hundred Subdivision.

Section 3 authorizes the appropriation of funds necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 115, a bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes. S. 115 was ordered reported by the Senate Committee on Energy and Natural Resources on March 15, 1995. Assuming appropriation of the necessary amounts, we estimate that implementing this bill would cost the federal government about \$1.1 million over the next two fiscal years. Enacting S. 115 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Section 1 of S. 115 would authorize the Secretary of the Interior to transfer to York County, Virginia, a portion of a sewage disposal system located within the Colonial National Historical Park. The sewage system, related improvements and structures, and any necessary rights-of-way would be conveyed to the county without reimbursement. In addition, the bill would authorize the Secretary to execute a cooperative agreement with the county providing for: (1) a federal contribution of up to \$110,000 towards repair and rehabilitation of the system, and (2) a reduction in the sewage disposal fees paid by the park.

Section 2 would authorize the National Park Service (NPS) to include within the park's existing boundaries an additional strip of

land adjacent to the Colonial Parkway corridor. The NPS could acquire the approximately 22 acres of land (and related improvements and/or interests) within the new area by purchase, donation, or exchange.

Finally, the bill would authorize the appropriation of whatever sums are necessary to carry out these activities.

CBO estimates that the Park Service would pay York County \$110,000 over the next one or two years for rehabilitation of the Moore House sewer line. (This amount represents approximately one-half of the total cost of the project, to be carried out by the county once it receives the federal funds and property.) The agency would spend an additional \$1 million over the same period to purchase between 20 and 22 acres of land along the Colonial Parkway. For purposes of these estimates, CBO has assumed that S. 115 will be enacted during fiscal year 1995 and that the necessary funds for sewer line repair and land acquisition will be appropriated. Estimated authorization levels and outlays are based on information provided by the National Park Service, York County, and local conservation groups.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 115. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 115, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 21, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 115. These reports had not been received at the time the report on S. 115 was filed. When these reports becomes available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 115, as ordered reported.